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Of Attorneys for Defendants Will Stutesman,
Officer Grose, Officer Pieske, Sgt. McAlpine,
and the City of Eugene.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
EUGENE DIVISION

RONDA MCGOWAN, Personal
Representative for the Estate of Brian
Babb, **LEE BABB, CONNOR BABB**,
by and through his Guardian Ad Litem,
STEPHANIE WOODCOCK, and
KAYLEE BABB,

Case No. 6:17-cv-00424-TC

Declaration of
Judson Warden

Plaintiffs,

vs.

WILL STUTESMAN, OFFICER GROSE,
OFFICER PIESKE, SGT. MCALPINE,
CITY OF EUGENE, a municipal subdivision
of the State of Oregon, **JANE DOE CALL**
TAKER, and John and Jane Does 1-10.

Defendants.

I, Judson Warden, under penalty of perjury do hereby declare as follows:

I am over the age of 18, and I make this declaration based on my personal knowledge of the facts contained herein.

In listening to the live radio dispatch, Exhibit 103, at elapsed time 54:21, one can hear a voice say the following: "Malcolm, I am climbing over the fence in the backyard. Do you want to let me in the slider and I will help you?" That voice is my voice and I am the one talking over the radio. Before I climbed over the fence, I was standing with Officer Clark behind the fence located behind and to the west of the Babb residence. At no time did I ever take any rifle or weapon out the Babb house, much less take a weapon or rifle out of the Babb house and put it on the front porch.

PURSUANT TO 28 U.S.C § 1746, I declare under penalty of perjury that the foregoing is true and correct.

DATED: December 5, 2018.



Judson Warden

CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing DECLARATION OF JUDSON WARDEN on Plaintiffs on Tuesday, December 11, 2018, by notice of electronic filing using the CM/ECF System:

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Attorneys for Plaintiffs

Dated: Tuesday, December 11, 2018.

/s/ Robert E. Franz, Jr.
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